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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/655,175

09/03/2003

Glenn E. Tomford

10541-1841 (V203-0245)

6784

48003

7590

09/11/2006

BRINKS HOFER GILSON & LIONE/CHICAGO/COOK  
PO BOX 10395  
CHICAGO, IL 60610

EXAMINER

TO, TOAN C

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/655,175	TOMFORD ET AL.	
	Examiner	Art Unit	
	Toan C. To	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-9 and 14-20 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 10-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Bittinger et al (U.S. 6,296,277).

Bittinger et al discloses a bracket (16) for connecting an airbag module (18) to a structural member (12) of an automotive vehicle, comprising: a first end portion (correspond to inside portion of an end cap 16 that is connected to an end portion of the extrusion housing 18) attaching said bracket (16) to said airbag module (18); a second end portion (correspond to another the end portion of the end plate 16 which is connected to the strut 56) attaching said bracket to said structural member (12); and a plurality of holes (44) is separated from said first end portion and said second end portion (82); wherein the plurality of holes (44) tuning the rigidity of said bracket to a desired rigidity, said desired rigidity promoting deformation of said bracket (16) during impacts to said airbag module (18) thereby absorbing impact energy and minimizing damage to said structural member and said desired rigidity inhibiting deformation during deployment of said airbag module (18) thereby conserving deployment energy (with respect to a desired rigidity and its function as claimed, Bittinger et al discloses a

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plurality of holes 44 that would tune the rigidity of the bracket to a desired rigidity and capable of performing the same function as claimed).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bittinger et al (U.S. 6,296,277) in view of Rose (U.S. 5,533,747).

Bittinger et al disclose every element of the invention as discussed above except that the plurality of holes of the bracket comprising a plurality of slots oriented perpendicular to the airbag module and the slots oriented parallel to each other.

Rose teaches the airbag bracket (14) comprises a plurality of slots (40) oriented perpendicular to the airbag module (12) and oriented parallel to each other. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the airbag bracket of Bittinger et al by replaced the plurality of holes with the plurality of slots as taught by Rose in order to absorb impact energy during collision between occupant and an occupant protection assembly.

***Response to Arguments***

5. Applicant's arguments filed June 21, 2006 have been fully considered but they are not persuasive. The prior art still read on the claimed limitations.

In response to applicant's arguments that in Bittinger, examiner's interpretation, of the extrusion housing 18, the end caps 16, and the instrument panel 12 to respectively correspond to the airbag module, a bracket, and a structural member of the vehicle as claimed, is incorrect. The examiner respectfully disagrees because the following reasons: (1) in Bittinger et al, column 4, lines 3-5 disclose that the airbag 54 has deployed from extrusion housing 18, in other words, the extrusion housing 18 inherently contains at least either the airbag 54 or a gas generator in order to provide inflation gas to deploy the airbag 54. Therefore, the extrusion housing 18 is part of the airbag system or the airbag module. (2) figures 2-3 of Bittinger show the extrusion housing 18 is attached to the instrument panel 12 via the end plate 16, in other words the end plate 16 acts as a bracket for attaching the extrusion housing 18 to the instrument panel 12. (3) With respect to the claimed limitation "a structural member of an automotive vehicle", it is noted that any member within the vehicle is considered a "structural member", and therefore, the instrument panel 12 of the vehicle Bittinger is also considered as a structural member.

#### ***Allowable Subject Matter***

6. Claims 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 5-9, and 14-20 are allowed.

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***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C. To whose telephone number is (571) 272-6677. The examiner can normally be reached on Mon-Fri (8:00-5:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTo

August 28, 2006

  
PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600  
9/5/06